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Attorneys for Defendants
PSC Industrial Outsourcing, Inc., Bruce Robinson and Joe Hamby

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LISAMARIE BRAYDEN,)	Case No.: C 07-04910 JF
)	
Plaintiff,)	[Removed from Monterey County Superior
)	Court, Case No. M85575]
vs.)	
)	
PSC INDUSTRIAL OUTSOURCING, INC.,)	DEFENDANTS' OBJECTION TO
MARK BLANCHARD, JOE HANBY, BRUCE)	DECLARATION OF PLAINTIFF
ROBINSON and Does 1 through 1-50,)	SUBMITTED IN SUPPORT OF
)	PLAINTIFF'S MOTION TO REMAND
Defendants.)	
)	Hearing Date: December 14, 2007
)	Time: 9:00 a.m.
)	Dept.: 3; Hon. Jeremy Fogel

Pursuant to Local Rule 7-5(b), Defendants PSC Industrial Outsourcing, Inc. ("PSC"), Bruce Robinson ("Robinson") and Joe Hamby ("Hamby") (collectively "Defendants") respectfully submit the following evidentiary objections to the Declaration of Plaintiff LisaMarie Brayden ("Plaintiff") filed in support of Plaintiff's Motion to Remand.

Evidentiary Objections to the Declaration of Plaintiff

Objection No. 1: Paragraph 4, Pg. 2:8-9

"I was told that the 'investigation' did not support my complaints."

Objection: Inadmissible hearsay, F.R.E. §802.

Court's Ruling on Objection No. 1:

Sustained: _____

Overruled: _____

Objection No. 2: Paragraph 5, Pg. 2:10-13

“Within days thereafter, I was personally demoted by Site Manager Joe Hamby to “yard duty” and I was told that I was not to work inside at my usual desk.”

Objection: Hearsay, F.R.E. §802; Improper lay opinion, F.R.E. §701.

Court’s Ruling on Objection No. 2: Sustained: _____

Overruled: _____

Objection No. 3: Paragraph 6, Pg. 2:16-17

“In early May 2007, I was promised a \$2/hour raise because of my outstanding job performance.”

Objection: Hearsay, F.R.E. §802.

Court’s Ruling on Objection No. 3: Sustained: _____

Overruled: _____

Objection No. 4: Paragraph 7, Pg. 2:19-20

“In my ‘new’ job, I was instructed by Joe Hamby to clean the warehouse and restack heavy materials, weighing over 100 pounds.”

Objection: Hearsay, F.R.E. §802.

Court’s Ruling on Objection No. 4: Sustained: _____

Overruled: _____

Objection No. 5: Paragraph 7, Pg. 2:19-20

“I was further ordered by him to clean caustic chemicals from dumpsters.”

Objection: Hearsay, F.R.E. §802; Improper lay opinion, F.R.E. §701; Lacks personal knowledge. F.R.E. § 602.

Court’s Ruling on Objection No. 5: Sustained: _____

Overruled: _____

Objection No. 6: Paragraph 7, Pg. 2:24-35

“After performing these tasks and being covered in what I thought was caustic soda ash, but which I later found out may have been vanadium pentoxidel”

Objection: Improper lay opinion, F.R.E. §701; Lacks personal knowledge. F.R.E. § 602.

Court's Ruling on Objection No. 6: Sustained:

Overruled: _____

Objection No. 7: **Paragraph 7, Pg. 2:24-35**

"I was chastised by a dispatcher, who said I should not be performing the tasks without proper safety equipment."

Objection: Hearsay, F.R.E. §802.

Court's Ruling on Objection No. 7: Sustained:

Overruled: _____

Objection No. 8: **Paragraph 8, Pg. 3:4-7**

" . . . Joe Hamby drove by in his own vehicle while I waited for the police but did not bother to stop or even acknowledge me, though there was a large amount of glass in the street and he certainly would recognize my vehicle stopped by the roadside."

Objection: Improper lay opinion, F.R.E. §701; Lacks personal knowledge, F.R.E. § 602.

Court's Ruling on Objection No. 8: Sustained:

Overruled: _____

Objection No. 9: **Paragraph 10, Pg. 3:11-14**

“I am informed and believe that Joe Hamby’s actions in reassigning me to yard duty and strenuous physical labor, under unsafe conditions, were in direct retaliation for my complaining about the sexual harassment of myself by his friend Mark Blanchard.”

Objection: Lacks personal knowledge, F.R.E. § 602.

Court's Ruling on Objection No. 9: Sustained:

Overruled: _____

Objection No. 10: Paragraph 10, Pg. 3:15-17

"I was advised by my co-workers that assignment of persons complaining about of sexual harassment to yard duty was a tactic employed by the company to previously force the harassed

1 person to quit.”

2 **Objection:** Lacks personal knowledge, F.R.E. § 602; Hearsay, F.R.E. §802.

3 **Court’s Ruling on Objection No. 10:**

Sustained: _____

4 Overruled: _____

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6 DATED: December 13, 2007

SEYFARTH SHAW LLP

7 By /s/Sharon Ongerth Rossi

8 Sharon Ongerth Rossi

9 Attorneys for Defendants

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